

Senate Engrossed House Bill

**FILED**

**KEN BENNETT  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fiftieth Legislature  
First Regular Session  
2011

CHAPTER 337

## **HOUSE BILL 2565**

AN ACT

AMENDING TITLE 15, CHAPTER 14, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 6;  
RELATING TO UNIVERSITIES AND COMMUNITY COLLEGES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, chapter 14, Arizona Revised Statutes, is amended  
3 by adding article 6, to read:

4 ARTICLE 6. STUDENTS' RIGHTS

5 15-1861. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES,

7 1. "COMMUNITY COLLEGE" HAS THE SAME MEANING PRESCRIBED IN SECTION  
8 15-1401.

9 2. "PUBLIC FORUM" INCLUDES ANY OPEN, OUTDOOR AREA ON THE CAMPUS OF A  
10 UNIVERSITY OR COMMUNITY COLLEGE AND ANY FACILITIES, BUILDINGS OR PARTS OF  
11 BUILDINGS THAT THE UNIVERSITY OR COMMUNITY COLLEGE HAS OPENED TO STUDENTS OR  
12 STUDENT ORGANIZATIONS FOR EXPRESSION.

13 3. "UNIVERSITY" MEANS A UNIVERSITY UNDER THE JURISDICTION OF THE  
14 ARIZONA BOARD OF REGENTS.

15 15-1862. Rights of students at universities and community  
16 colleges

17 A. A UNIVERSITY OR COMMUNITY COLLEGE SHALL NOT DISCRIMINATE AGAINST A  
18 STUDENT ON THE BASIS OF THE STUDENT'S RELIGIOUS VIEWPOINT, EXPRESSION OR  
19 BELIEF.

20 B. A UNIVERSITY OR COMMUNITY COLLEGE SHALL NOT ADOPT ANY POLICY THAT  
21 PENALIZES OR PUNISHES A STUDENT BASED ON THE STUDENT'S RELIGIOUS VIEWPOINT,  
22 EXPRESSION OR BELIEFS.

23 C. IF AN ASSIGNMENT OR CLASSROOM DISCUSSION REQUESTS A STUDENT'S  
24 VIEWPOINT IN COURSEWORK, ARTWORK OR OTHER WRITTEN OR ORAL ASSIGNMENTS, A  
25 UNIVERSITY OR COMMUNITY COLLEGE SHALL NOT PENALIZE OR REWARD A STUDENT ON THE  
26 BASIS OF RELIGIOUS CONTENT OR A RELIGIOUS VIEWPOINT. IN SUCH AN ASSIGNMENT,  
27 A STUDENT'S ACADEMIC WORK THAT EXPRESSES A RELIGIOUS VIEWPOINT SHALL BE  
28 EVALUATED BASED ON ORDINARY ACADEMIC STANDARDS SUCH AS GRAMMAR, STYLE,  
29 ANALYSIS AND ADHERENCE TO THE INSTRUCTIONS FOR THE ASSIGNMENT.

30 D. A UNIVERSITY OR COMMUNITY COLLEGE SHALL NOT WITHHOLD ANY  
31 CERTIFICATE OR DEGREE ON THE BASIS OF A STUDENT'S RELIGIOUS VIEWPOINT OR  
32 RELIGIOUS EXPRESSION.

33 E. A UNIVERSITY OR COMMUNITY COLLEGE SHALL NOT DISCIPLINE OR  
34 DISCRIMINATE AGAINST A STUDENT IN A COUNSELING, SOCIAL WORK OR PSYCHOLOGY  
35 PROGRAM BECAUSE THE STUDENT REFUSES TO COUNSEL A CLIENT ABOUT GOALS THAT  
36 CONFLICT WITH THE STUDENT'S SINCERELY HELD RELIGIOUS BELIEF IF THE STUDENT  
37 CONSULTS WITH THE SUPERVISING INSTRUCTOR OR PROFESSOR TO DETERMINE THE PROPER  
38 COURSE OF ACTION TO AVOID HARM TO THE CLIENT.

39 15-1863. Student organizations; recognition; rights

40 A. A UNIVERSITY OR COMMUNITY COLLEGE THAT GRANTS RECOGNITION TO ANY  
41 STUDENT ORGANIZATION OR GROUP MAY NOT DISCRIMINATE AGAINST OR DENY  
42 RECOGNITION, EQUAL ACCESS OR A FAIR OPPORTUNITY TO ANY STUDENT ORGANIZATION  
43 OR GROUP ON THE BASIS OF THE RELIGIOUS, POLITICAL, PHILOSOPHICAL OR OTHER  
44 CONTENT OF THE ORGANIZATION'S OR GROUP'S SPEECH INCLUDING WORSHIP.

1 B. A RELIGIOUS OR POLITICAL STUDENT ORGANIZATION MAY DETERMINE THAT  
2 ORDERING THE ORGANIZATION'S INTERNAL AFFAIRS, SELECTING THE ORGANIZATION'S  
3 LEADERS AND MEMBERS, DEFINING THE ORGANIZATION'S DOCTRINES AND RESOLVING THE  
4 ORGANIZATION'S DISPUTES ARE IN FURTHERANCE OF THE ORGANIZATION'S RELIGIOUS OR  
5 POLITICAL MISSION AND THAT ONLY PERSONS COMMITTED TO THAT MISSION SHOULD  
6 CONDUCT SUCH ACTIVITIES.

7 C. A UNIVERSITY OR COMMUNITY COLLEGE MAY NOT DENY RECOGNITION OR ANY  
8 PRIVILEGE OR BENEFIT TO A STUDENT ORGANIZATION OR GROUP THAT EXERCISES ITS  
9 RIGHTS PURSUANT TO SUBSECTION B.

10 15-1864. Students' right to speak in a public forum

11 A. A UNIVERSITY OR COMMUNITY COLLEGE SHALL NOT RESTRICT A STUDENT'S  
12 RIGHT TO SPEAK, INCLUDING VERBAL SPEECH, HOLDING A SIGN OR DISTRIBUTING  
13 FLIERS OR OTHER MATERIALS, IN A PUBLIC FORUM.

14 B. A UNIVERSITY OR COMMUNITY COLLEGE MAY RESTRICT A STUDENT'S SPEECH  
15 IN A PUBLIC FORUM ONLY IF IT DEMONSTRATES THAT APPLICATION OF THE BURDEN TO  
16 THE STUDENT IS BOTH:

17 1. IN FURTHERANCE OF A COMPELLING GOVERNMENTAL INTEREST.

18 2. THE LEAST RESTRICTIVE MEANS OF FURTHERING THAT COMPELLING  
19 GOVERNMENTAL INTEREST.

APPROVED BY THE GOVERNOR APRIL 29, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 29, 2011.

Passed the House March 7, 20 11

by the following vote: 41 Ayes,

18 Nays, 1 Not Voting

[Signature]  
Speaker of the House

Cheryl Laube  
Chief Clerk of the House

Passed the Senate April 12, 20 11

by the following vote: 20 Ayes,

9 Nays, 1 Not Voting

[Signature]  
President of the Senate

Charmine Bellington  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

       day of       , 20       

at        o'clock        M.

        
Secretary to the Governor

Approved this        day of

      

at        o'clock        M.

        
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this        day of       , 20       

at        o'clock        M.

        
Secretary of State

H.B. 2565

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

April 19, 2011,  
by the following vote: 41 Ayes,

19 Nays, 0 Not Voting

[Signature]  
Speaker of the House

Cheryl Laube  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

20 day of April, 2011,

at 8:30 o'clock A. M.

[Signature]  
Secretary to the Governor

Approved this 29<sup>th</sup> day of

April, 2011,

at 11:14 o'clock P. M.

[Signature]  
Governor of Arizona

H.B. 2565

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 29<sup>th</sup> day of April, 2011,

at 7:30 o'clock P. M.

[Signature]  
Secretary of State